

REFERENCE TITLE: ASDB; students FIRST funding

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## HB 2657

Introduced by  
Representatives Thrasher, Farley, Lujan, Pancrazi, Sinema, Ulmer: Ableser,  
Alvarez, Bradley, Cajero Bedford, Campbell CH, Clark, Lopes, Schapira

AN ACT

AMENDING SECTION 15-2002, ARIZONA REVISED STATUTES; RELATING TO THE SCHOOL  
FACILITIES BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-2002, Arizona Revised Statutes, is amended to  
3 read:

4 15-2002. Powers and duties: executive director: staffing:  
5 report

6 A. The school facilities board shall:

7 1. Make assessments of school facilities and equipment deficiencies  
8 and approve the distribution of grants as appropriate.

9 2. Develop a database for administering the building renewal formula  
10 prescribed in section 15-2031 and administer the distribution of monies to  
11 school districts for building renewal.

12 3. Inspect school buildings at least once every five years to ensure  
13 compliance with the building adequacy standards prescribed in section 15-2011  
14 and routine preventative maintenance guidelines as prescribed in this section  
15 with respect to construction of new buildings and maintenance of existing  
16 buildings. The school facilities board shall randomly select twenty school  
17 districts every thirty months and inspect them pursuant to this paragraph.

18 4. Review and approve student population projections submitted by  
19 school districts to determine to what extent school districts are entitled to  
20 monies to construct new facilities pursuant to section 15-2041. The board  
21 shall make a final determination within six months of the receipt of an  
22 application by a school district for monies from the new school facilities  
23 fund.

24 5. Certify that plans for new school facilities meet the building  
25 adequacy standards prescribed in section 15-2011.

26 6. Develop prototypical elementary and high school designs. The board  
27 shall review the design differences between the schools with the highest  
28 academic productivity scores and the schools with the lowest academic  
29 productivity scores. The board shall also review the results of a valid and  
30 reliable survey of parent quality rating in the highest performing schools  
31 and the lowest performing schools in this state. The survey of parent  
32 quality rating shall be administered by the department of education. The  
33 board shall consider the design elements of the schools with the highest  
34 academic productivity scores and parent quality ratings in the development of  
35 elementary and high school designs. The board shall develop separate school  
36 designs for elementary, middle and high schools with varying pupil  
37 capacities.

38 7. Develop application forms, reporting forms and procedures to carry  
39 out the requirements of this article.

40 8. Review and approve or reject requests submitted by school districts  
41 to take actions pursuant to section 15-341, subsection ~~F~~ G.

42 9. Submit an annual report by December 15 to the speaker of the house  
43 of representatives, the president of the senate, the superintendent of public  
44 instruction, the director of the Arizona state library, archives and public  
45 records and the governor that includes the following information:

(a) A detailed description of the amount of monies distributed by the school facilities board in the previous fiscal year.

(b) A list of each capital project that received monies from the school facilities board during the previous fiscal year, a brief description of each project that was funded and a summary of the board's reasons for the distribution of monies for the project.

(c) A summary of the findings and conclusions of the building maintenance inspections conducted pursuant to this article during the previous fiscal year.

(d) A summary of the findings of common design elements and characteristics of the highest performing schools and the lowest performing schools based on academic productivity including the results of the parent quality rating survey. For the purposes of this subdivision, "academic productivity" means academic year advancement per calendar year as measured with student-level data using the statewide nationally standardized norm-referenced achievement test.

10. By December 1 of each year, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2022, 15-2031 and 15-2041 for the following fiscal year and the estimated amounts necessary to fulfill the requirements of sections 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal year. The board shall provide copies of the report to the president of the senate, the speaker of the house of representatives and the governor.

11. Adopt minimum school facility adequacy guidelines to provide the minimum quality and quantity of school buildings and the facilities and equipment necessary and appropriate to enable pupils to achieve the educational goals of the Arizona state schools for the deaf and the blind. The school facilities board shall establish minimum school facility adequacy guidelines applicable to the Arizona state schools for the deaf and the blind.

12. In each even-numbered year, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf and the blind for the following two fiscal years. **THE SCHOOL FACILITIES BOARD SHALL INCLUDE THESE AMOUNTS IN THE BUILDING RENEWAL AND NEW SCHOOL FACILITIES TRANSFER INSTRUCTIONS TO THE STATE TREASURER.** The Arizona state schools for the deaf and the blind shall incorporate the findings of the report in any request for building renewal monies and new school facilities monies. ~~Any monies provided to the Arizona state schools for the deaf and the blind for building renewal and for new school facilities are subject to legislative appropriation.~~

13. By June 15 of each year, submit detailed information regarding demographic assumptions, a proposed construction schedule and new school construction cost estimates for individual projects approved in the current fiscal year and expected project approvals for the upcoming fiscal year to

1 the joint committee on capital review for its review. A copy of the report  
2 shall also be submitted to the governor's office of strategic planning and  
3 budgeting. The joint legislative budget committee staff, the governor's  
4 office of strategic planning and budgeting staff and the school facilities  
5 board staff shall agree on the format of the report.

6 14. Every two years, provide school districts with information on  
7 improving and maintaining the indoor environmental quality in school  
8 buildings.

9 B. The school facilities board may contract for private services in  
10 compliance with the procurement practices prescribed in title 41, chapter 23.

11 C. The governor shall appoint an executive director of the school  
12 facilities board pursuant to section 38-211. The executive director is  
13 eligible to receive compensation as determined pursuant to section 38-611 and  
14 may hire and fire necessary staff as approved by the legislature in the  
15 budget. The executive director shall have demonstrated competency in school  
16 finance, facilities design or facilities management, either in private  
17 business or government service. The executive director serves at the  
18 pleasure of the governor. The staff of the school facilities board is exempt  
19 from title 41, chapter 4, articles 5 and 6. The executive director:

20 1. Shall analyze applications for monies submitted to the board by  
21 school districts.

22 2. Shall assist the board in developing forms and procedures for the  
23 distribution and review of applications and the distribution of monies to  
24 school districts.

25 3. May review or audit, or both, the expenditure of monies by a school  
26 district for deficiencies corrections, building renewal and new school  
27 facilities.

28 4. Shall assist the board in the preparation of the board's annual  
29 report.

30 5. Shall research and provide reports on issues of general interest to  
31 the board.

32 6. May aid school districts in the development of reasonable and  
33 cost-effective school designs in order to avoid statewide duplicated efforts  
34 and unwarranted expenditures in the area of school design.

35 7. May assist school districts in facilitating the development of  
36 multijurisdictional facilities.

37 8. Shall assist the board in any other appropriate matter or method as  
38 directed by the members of the board.

39 9. Shall establish procedures to ensure compliance with the notice and  
40 hearing requirements prescribed in section 15-905. The notice and hearing  
41 procedures adopted by the board shall include the requirement, with respect  
42 to the board's consideration of any application filed after July 1, 2001 or  
43 after December 31 of the year in which the property becomes territory in the  
44 vicinity of a military airport or ancillary military facility as defined in  
45 section 28-8461 for monies to fund the construction of new school facilities

1 proposed to be located in territory in the vicinity of a military airport or  
2 ancillary military facility, that the military airport receive notification  
3 of the application by first class mail at least thirty days before any  
4 hearing concerning the application.

5 10. May expedite any request for monies in which the local match was  
6 not obtained for a project that received preliminary approval by the state  
7 board for school capital facilities.

8 11. Shall expedite any request for monies in which the school district  
9 governing board submits an application that shows an immediate need for a new  
10 school facility.

11 12. Shall make a determination as to administrative completion within  
12 one month after the receipt of an application by a school district for monies  
13 from the new school facilities fund.

14 13. Shall provide technical support to school districts as requested by  
15 school districts in connection with the construction of new school facilities  
16 and the maintenance of existing school facilities.

17 D. When appropriate, the school facilities board shall review and use  
18 the statewide school facilities inventory and needs assessment conducted by  
19 the joint committee on capital review and issued in July, 1995.

20 E. The school facilities board shall contract with one or more private  
21 building inspectors to complete an initial assessment of school facilities  
22 and equipment and shall inspect each school building in this state at least  
23 once every five years to ensure compliance with section 15-2011. A copy of  
24 the inspection report, together with any recommendations for building  
25 maintenance, shall be provided to the school facilities board and the  
26 governing board of the school district.

27 F. The school facilities board may consider appropriate combinations  
28 of facilities or uses in making assessments of and curing deficiencies  
29 pursuant to subsection A, paragraph 1 of this section and in certifying plans  
30 for new school facilities pursuant to subsection A, paragraph 5 of this  
31 section.

32 G. The board shall not award any monies to fund new facilities that  
33 are financed by class A bonds that are issued by the school district.

34 H. The board shall not distribute monies to a school district for  
35 replacement or repair of facilities if the costs associated with the  
36 replacement or repair are covered by insurance or a performance or payment  
37 bond.

38 I. The board may contract for construction services and materials that  
39 are necessary to correct existing deficiencies in school district facilities.  
40 The board may procure the construction services necessary pursuant to this  
41 subsection by any method including construction-manager-at-risk,  
42 design-build, design-bid-build or job-order-contracting as provided by title  
43 41, chapter 23. The construction planning and services performed pursuant to  
44 this subsection are exempt from section 41-791.01.

1 J. The school facilities board may enter into agreements with school  
2 districts to allow school facilities board staff and contractors access to  
3 school property for the purposes of performing the construction services  
4 necessary pursuant to subsection I of this section.

5 K. Each school district shall develop routine preventative maintenance  
6 guidelines for its facilities. The guidelines shall be submitted to the  
7 school facilities board for review and approval. If upon inspection by the  
8 school facilities board it is determined that a school district facility was  
9 inadequately maintained pursuant to the school district's routine  
10 preventative maintenance guidelines, the school district shall use building  
11 renewal monies pursuant to section 15-2031, subsection L to return the  
12 building to compliance with the school district's routine preventative  
13 maintenance guidelines. Once the district is in compliance, it no longer is  
14 required to use building renewal monies for preventative maintenance.

15 L. The school facilities board may temporarily transfer monies between  
16 the capital reserve fund established by section 15-2003, the emergency  
17 deficiencies correction fund established by section 15-2022, the building  
18 renewal fund established by section 15-2031 and the new school facilities  
19 fund established by section 15-2041 if all of the following conditions are  
20 met:

21 1. The transfer is necessary to avoid a temporary shortfall in the  
22 fund into which the monies are transferred.

23 2. The transferred monies are restored to the fund where the monies  
24 originated as soon as practicable after the temporary shortfall in the other  
25 fund has been addressed.

26 3. The school facilities board reports to the joint committee on  
27 capital review the amount of and the reason for any monies transferred.